

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE: JOHN DOE,

CV 98-1101

:

United States Courthouse

Brooklyn, New York,

:

July 20, 2010

- - - - - X 10:30 o'clock a.m.

TRANSCRIPT OF ORAL ARGUMENT
BEFORE THE HONORABLE I. LEO GLASSER
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: MORGAN LEWIS & BOCKIUS, LLP
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1 document which were sealed available to third parties. That
2 was a very significant concern.

3 A hearing, which we held some weeks ago, makes it
4 plain and, I think, it is beyond dispute that these documents
5 were not removed by John Doe, he properly had them. The
6 cooperation agreement was a document which was in the
7 possession of his then attorney. His attorney had a perfect
8 right, as did John Doe, to have a copy of that cooperation
9 agreement, had a perfect right to have whatever document
10 pertained to his case, which may have been part of the file.

11 Assume that John Doe decided to make the cooperation
12 agreement, the proffer agreement available to a third-party,
13 would an order have been violated? The answer is clearly,
14 no. John Doe had these documents, so the testimony has thus
15 far revealed, Mr. Bernstein has not submitted an affidavit
16 nor has he testified. You cannot find him for the purpose of
17 serving the subpoena.

18 What we have on the record is the testimony by John
19 Doe that he did not give those documents to Mr. Bernstein,
20 which gives rise to the legitimate inference that Mr.
21 Bernstein may have stolen them, may have improperly obtained
22 those documents.

23 What order of the Court was violated by that event?
24 Those documents then came into the hands of Mr. Oberlander.
25 Mr. Oberlander knew that those documents were sealed